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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff

v.

ENRIQUE MARTINEZ,

Defendant

Case No. 2:21-cr-00169-CDS-BNW

**STIPULATION TO CONTINUE
SENTENCING HEARING
(FIRST REQUEST)**

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, and Kimberly Sokolich, Assistant United States Attorney, counsel for Plaintiff the United States of America, and Ivette Amelburu Maningo, counsel for Enrique Martinez, that the Sentencing Hearing currently scheduled for the 2nd day of February, 2023, (ECF NO. 89) be vacated and set to a date and time convenient to this Court, but no sooner than forty-five (45) days from the date currently scheduled for sentencing.

The Stipulation is entered into for the following reasons:

1. Defense Counsel recently received a Revised PSR and needs additional time to evaluate same, to discuss the PSR with the client, to effectively and thoroughly explore all factors relevant to Mr. Martinez's sentencing and mitigation presentation in general, and to prepare a thorough sentencing memorandum for this Court's consideration.

2. The Defendant is not currently in custody and does not object to the continuance.

3. The additional time requested herein is not sought for purposes of delay.

4. All parties agree to the continuance.

5. This is the first stipulation to continue filed herein.

6. The additional time requested by this stipulation is reasonable pursuant to Fed. R. Crim. P. 32(b)(2), which states that the “court may, for good cause, change any time limits prescribed [for sentencing] in this rule.” Furthermore, a delay in sentencing does not implicate or undermine the defendant’s speedy trial rights under the United States Constitution, which terminated upon conviction. *See Betterman v. Montana*, 136 S.Ct. 1609, 1617-18 (2016).

DATED this 24th day of January, 2023.

The Law Offices of
Ivette Amelburu Maningo

By: /s/ Ivette Amelburu Maningo
IVETTE AMELBURU MANINGO, ESQ.
Attorney for Defendant
Enrique Martinez

By: /s/ Kimberly Sokolich
KIMBERLY SOKOLICH, ESQ.
Assistant United States Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ENRIQUE MARTINEZ,

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ORDER

ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Defense Counsel requires additional time to review and evaluate with the client the Revised PSR recently received, to effectively and thoroughly explore all factors relevant to Mr. Martinez's sentencing and mitigation presentation in general, and to prepare a thorough sentencing memorandum for this Court's consideration.
2. The Defendant is out of custody and does not object to the continuance.
3. The parties agree to the continuance.
4. This is the first stipulation to continue filed herein.
5. The additional time requested by this stipulation is reasonable pursuant to Fed. R. Crim. P. 32(b)(2), which states that the "court may, for good cause, change any time limits prescribed [for sentencing] in this rule." Furthermore, a delay in sentencing does not implicate or undermine the defendant's speedy trial rights under the United States Constitution, which terminated upon conviction. *See Betterman v. Montana*, 136 S.Ct. 1609, 1617-18 (2016).

HONORABLE CRISTINA D. SILVA
UNITED STATES DISTRICT JUDGE

4